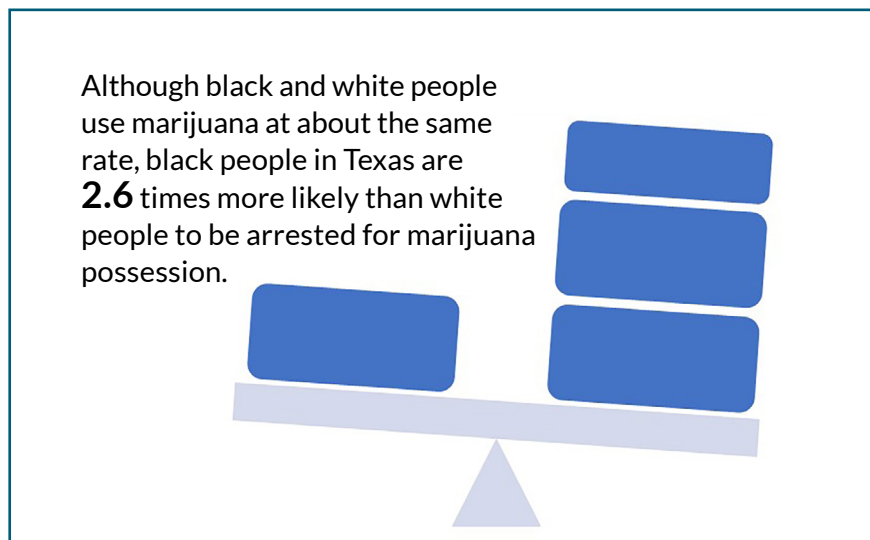


Practical First Steps to Address Disproportionality and Implicit Bias

What is Disproportionality?

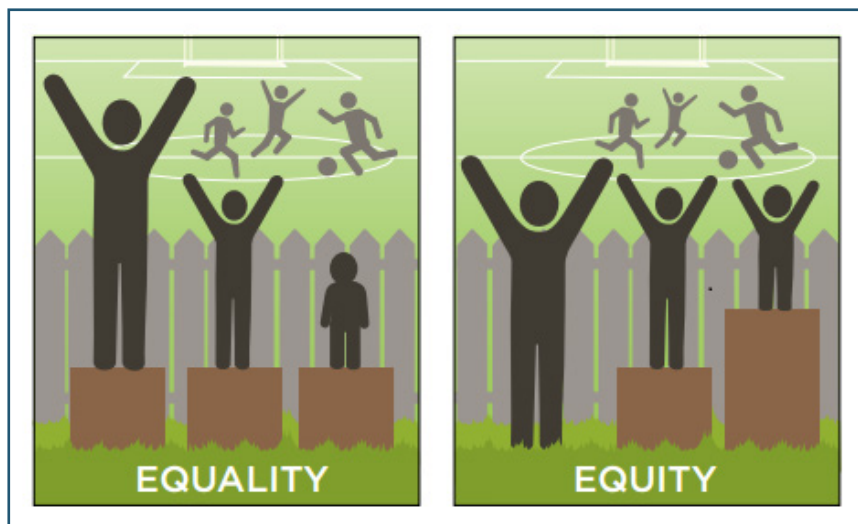
Disproportionality = when a particular racial or cultural group is represented within a social system at a rate or percentage that is not proportionate to their representation in the general population. For example:



What is Implicit Bias?

- Research shows that individuals naturally develop unconscious attitudes and stereotypes as a routine process of sorting and categorizing the vast amounts of sensory information they encounter on an ongoing basis.
- “Implicit” (as opposed to explicit) attitudes and stereotypes operate automatically, without awareness, intent, or conscious control, which is common to the human experience.
- Implicit Association Tests have shown that 80% of white adults more closely associate white faces with regular household items and black faces with weapons.
- These unconscious associations can influence judgment.
- Relying on data by counting outcomes, using tools to engage deliberate thinking, training, and judicial leadership can all counterbalance the bias which is frequently inherent in our intuition.

What is the Difference Between Equality and Equity?



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Reflections to Protect Against Implicit Bias:

Ask yourself, as a judge...

- Have I made any assumptions about the cultural identity, gender, and background of this person?
- What is my understanding of this person's culture and circumstances?
- How is my decision specific to this person?
- Is this person receiving the same level and tailoring of services as other similarly situated individuals?
- Has the court's past contact with this person influenced my decision-making process and findings?
- What evidence has supported every conclusion I have drawn, and how have I challenged unsupported assumptions?
- Am I considering family members as supports for this person?
- How have I integrated the individual and family members into the process to ensure they have had the opportunity to be heard, respected, and valued?

Closing Questions to Ask Defendants:







- ? Do you understand what happened here today?
- ? Do you understand what the next steps are?
- ? Do you have any questions for the court?

Talking about race is a Courageous Conversation.

1. Stay engaged.
2. Experience discomfort.
3. Speak your truth.
4. Expect and accept non-closure.

What is a practical first step you can take to bring about change in your community, profession, organization, or agency?

Big Ideas from the Beyond the Bench: Law, Justice, and Communities Summit

-  Have Courageous Conversations with friends or family members.
-  Charter judicially-led community meetings (or Courageous Conversations) across Texas to discuss planning, data, and desired outcomes in the context of the administration of justice.
-  Ask an independent party or organization, outside of the court, to track demographics including race. Evaluate and check assumptions.
-  Mandate training regarding implicit bias for all stakeholders.
-  Add drug, mental health, and veteran courts in every Texas district court.
-  Educate all members of the court system about the various roles others have, to create a more unified system that can help with all aspects of the needs of the individuals.